

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK,

Plaintiff,

-v-

CHAD F. WOLF, *in his official capacity as Acting
Secretary of Homeland Security*, et al.,

Defendants.

No. 20 Civ. 1127 (JMF)

R. L'HEUREUX LEWIS-MCCOY et al., *on behalf of
themselves and all similarly situated individuals*,

Plaintiffs,

-v-

CHAD F. WOLF, *in his official capacity as Acting
Secretary of Homeland Security*, et al.,

Defendants.

No. 20 Civ. 1142 (JMF)

STIPULATION AND [PROPOSED] ORDER

WHEREAS, Alejandro Mayorkas was sworn in as Secretary of Homeland Security on February 2, 2021, and therefore was automatically substituted as a party to these actions pursuant to Rule 25(d) of the Federal Rules of Civil Procedure;

WHEREAS, Troy Miller assumed the position of Senior Official Performing the Duties of the Commissioner of U.S. Customs and Border Protection on January 20, 2021, and therefore was automatically substituted as a party to these actions pursuant to Rule 25(d) of the Federal Rules of Civil Procedure; and

WHEREAS, the Court directed the parties to file a stipulation and proposed order substituting the proper Defendants pursuant to Rule 25(d) of the Federal Rules of Civil Procedure by May 6, 2021;

Therefore, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is respectfully directed to amend the dockets in these actions to reflect that Alejandro Mayorkas, in his official capacity as Secretary of Homeland Security, has been substituted in place of Peter Gaynor.

2. The Clerk of the Court is respectfully directed to amend the dockets in these actions to reflect that Troy Miller, in his official capacity as Senior Official Performing the Duties of the Commissioner of U.S. Customs and Border Protection, has been substituted in place of Mark Morgan.

3. The Clerk of the Court is respectfully directed to amend the caption in *State of New York v. Wolf*, No. 20 Civ. 1127 (JMF) (S.D.N.Y.), as follows:

STATE OF NEW YORK,

Plaintiff,

-v-

ALEJANDRO MAYORKAS, *in his official capacity as Secretary of Homeland Security*, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, TROY MILLER, *in his official capacity as Senior Official Performing the Duties of the Commissioner of U.S. Customs and Border Protection*, and UNITED STATES CUSTOMS AND BORDER PROTECTION,

Defendants.

No. 20 Civ. 1127 (JMF)

4. The Clerk of the Court is respectfully directed to amend the caption in *Lewis-McCoy v. Wolf*, No. 20 Civ. 1142 (JMF) (S.D.N.Y.), as follows:

R. L'HEUREUX LEWIS-MCCOY, JAMIL DAKWAR,
JOHN HARLAND GIAMMATTEO, S.T., *a minor, by
and through her next friend, Amanda Hughes*, and PAUL
VANDECARR, *on behalf of themselves and all similarly
situated individuals*,

Plaintiffs,

-v-

ALEJANDRO MAYORKAS, *in his official capacity as
Secretary of Homeland Security*, UNITED STATES
DEPARTMENT OF HOMELAND SECURITY, TROY
MILLER, *in his official capacity as Senior Official
Performing the Duties of the Commissioner of U.S.
Customs and Border Protection*, and UNITED STATES
CUSTOMS AND BORDER PROTECTION,

Defendants.

No. 20 Civ. 1142 (JMF)

Dated: May 4, 2021
New York, New York

Dated: May 4, 2021
New York, New York

LETITIA JAMES
Attorney General of the State of New York

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Attorney for Defendants

Dated: May 4, 2021
New York, New York

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Attorneys for the Class Action Plaintiffs

SO ORDERED:

Dated: New York, New York
_____, 2021

THE HONORABLE JESSE M. FURMAN
UNITED STATES DISTRICT JUDGE